

**James Monroe to Thomas Jefferson, April 25,
1802, from Thomas Jefferson and James Monroe
Correspondence, Transcribed and Edited by Gerard W.
Gawalt, Manuscript Division, Library of Congress**

James Monroe to Thomas Jefferson

Richmond April 25. 1802

Dear Sir

I returned on Friday from Albemarle without having accomplished the object of my trip by the sale of my land above Charlottesville. In my absence an alarm took place at Norfolk relative to the negroes wh. was felt here, but which seems to have little foundation for it. Such is the state of things that it is hasardous for me in regard to the publick opinion, to be absent from this place at any time. I shall send you the document refered to in my last respecting the acct. of Houdon, which may perhaps supercede a reference to that you have in Albemarle. You will be so kind as return this, it being the original filed in the council chamber

I heard with concern on my return that a bill before Congress proposes a postpon'ment of the meeting of the court of appeals to some later period than the existing law provides for. I fear that such a measure woud. produce a bad effect. I am persuaded it woud. inspire a doubt among the people of the propriety of the late repeal, since it might be construed into a discrimination in the authors of it, to meet the court on that subject. Any measure which admitted such an inference woud. give new character & tone to the federalists & put the republicans on the defense in any course which the constitution authorises, or take any step which argues a distrust of what is done or apprehension of the

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consequences. A postponement by law of the meeting of the court is also lieable to other objections. It may be considered as an unconstitutional oppression of the Judiciary by the legislature, adopted to carry a preceding measure which was also unconstitutional. Suppose the Judges were to meet according to the former law notwithstanding the postponement, and make a solemn protestation against the repeal, and this postponement denouncing the whole proceedings as unconstitutional and the motive as impure. It might be said and truly that they had no right to meet by the law; yet as they wou. claim to meet under the constitution to remonstrate against the law as having violated the constitution it is probable that that objection wou. not be attended to. If they attack the law, I mean the act of repeal, and are resolved to avail themselves of the occasion it furnishes, to measure their strength with the other departments of govt., I am of opinion that this postponement wou. give new colouring to their pretensions, new spirits to their party and a better prospect of success. It will perhaps not be possible to avoid the collision and the crisis growing out of it. A measure of the kind referr'd to invites it. The best way to prevent one is to take a bold attitude and apparently invite it. The court has a right to take its part, and ought not to be deprived of any preexisting means. I am not apprehensive of any danger from such a collision, & am inclined to think the stronger the ground taken by the curt especially if it looks towards anarchy, the better the effect will be with the publick. The people will then have a simple, tho important question before them. They will have to decide whether they will support the court, or in other words embark again under the auspices of the federal party, or

cling to an admn. in two of the departments of govt. which lessens their burdens & cherishes their liberty. It is even probable that such a collision may produce in many respects a beneficial effect. The mild republican course of yr. admn. has tended to put at repose the republicans & relieve from further apprehension the federalists. In such a state of things the former have little motive for exertion. Having overthrown their adversaries they think it beneath their character to pursue them further. Many from the habit of activity they had acquired, from independence of spirit, rivalry or other cause, begin to separate

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from each other & even criticise the measures of reform that are proposed. But shod. the federalists rally under the judiciary and threaten any thing serious it is presumeable that the republicans will revive from their lethargy and resume their former tone. These ideas having occur'd to me on this subject & I have thought proper to submit them to yr. consideration.

I am sincerely your friend & servtJas. Monroe

RC (Jefferson Papers, Library of Congress).